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*Attorneys for Plaintiff Sheet Metal Workers'
International Association Local Union No. 104*

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF SHEET
METAL WORKERS LOCAL 104 HEALTH
CARE PLAN, *et al.*,

Plaintiffs,

vs.

BAY AREA BALANCING AND
CLEANROOMS, INC.,

Defendant.

CASE NO. 3:14-cv-01739-HSG

**EX PARTE MOTION REQUESTING
TELEPHONIC APPEARANCE AT THE
CASE MANAGEMENT CONFERENCE;
DECLARATION OF EILEEN B.
GOLDSMITH; ORDER**

Date: May 24, 2016
Time: 2:00 pm
Before: Hon. Haywood S. Gilliam, Jr

1 Pursuant to Northern District of California Local Rule 7-10, Eileen B. Goldsmith and Zoe
2 Palitz, who are both Attorneys for Plaintiff Sheet Metal Workers' International Association Local
3 Union No. 104 ("Local 104"), hereby request this Court's permission to appear by telephone at the
4 upcoming Case Management Conference scheduled for May 24, 2016 at 2:00 p.m.

5 As set forth in the attached Declaration of Eileen B. Goldsmith, on May 13, 2016, the Court
6 issued an order scheduling a Case Management Conference for May 24, 2016. Both Ms.
7 Goldsmith and Ms. Palitz are scheduled to be in a deposition all day on May 24, 2016, in
8 Pleasanton, California in another case, *Pioneer Roofing Organization v. Sheet Metal Workers'*
9 *Local Union No. 104*, N.D. Cal. Case No. 15-3544 JD. The deposition was noticed by the
10 opposing party on May 2, 2016, for a date that was agreed to by all counsel and the witness. Ms.
11 Goldsmith and Ms. Palitz have made arrangements with opposing counsel in the *Pioneer* case to
12 take a break from the deposition to participate by phone in the Case Management Conference in
13 this case.

14 Attorneys for Plaintiff hereby respectfully request this Court's permission to participate
15 telephonically in the Case Management Conference scheduled for May 24, 2016.

16
17 Dated: May 19, 2016

Respectfully submitted,

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19 EILEEN B. GOLDSMITH
20 ZOE PALITZ
Altshuler Berzon LLP

21 By: /s/ Eileen B. Goldsmith
22 Eileen B. Goldsmith

23 *Attorneys for Plaintiff Sheet Metal Workers'*
24 *International Association, Local Union No. 104*

DECLARATION OF EILEEN B. GOLDSMITH

I, Eileen B. Goldsmith, declare as follows:

1. I am a partner in the law firm of Altshuler Berzon LLP, which represents plaintiff Sheet Metal Workers' International Association, Local Union No. 104 ("Local 104") in this case. Zoe Palitz, an associate in my firm, also represents Local 104 in this case.

2. Ms. Palitz and I are also representing Local 104 in another case pending in the Northern District of California, *Pioneer Roofing Organization v. Sheet Metal Workers' Local Union No. 104*, N.D. Cal. Case No. 15-3544 JD. On May 2, 2016, our opposing counsel in *Pioneer* served us with notice of a deposition of a representative of Local 104, to be conducted in opposing counsel's office in Pleasanton, California on May 24, 2016. This deposition date was agreed to in advance by all counsel and the witness. Ms. Palitz and I will both be attending this deposition.

3. On May 13, 2016, this Court issued its order granting in part and denying in part plaintiffs' motion for summary judgment, and scheduling a further case management conference for May 24, 2016.

4. I have contacted opposing counsel in the *Pioneer* case, who has agreed to schedule a break in the deposition on May 24, so that Ms. Palitz and I can participate in the May 24, 2016 CMC by telephone.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 19th day of May 2016, in San Francisco, California.

/s/ Eileen B. Goldsmith

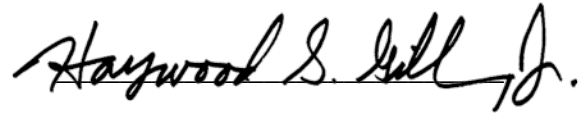
Eileen B. Goldsmith

ORDER

The motion of Plaintiff Sheet Metal Workers' Local Union No. 104 to appear telephonically at the Case Management Conference is GRANTED. Plaintiff's attorneys Eileen Goldsmith and Zoe Palitz may attend the Case Management Conference on May 24, 2016 at 2:00 PM via telephone. Counsel shall contact Court Call at (866) 582-6878 to make arrangements for the telephonic appearance.

IT IS SO ORDERED.

Dated: May 20, 2016



Hon. Haywood S. Gilliam, Jr.

United States District Judge